

REMARKS

Specification Objection

The required amendment to the specification is requested to be entered by this amendment.

Claim Objections

The objections to the claim numbering are moot in view of the foregoing amendments.

Claim Rejections

35 USC §112

The rejections of claims 8 and 11 are moot in view of the foregoing amendments.

35 USC §102

Claims 1 and 2 were rejected under 35 USC 102 (b) over Needham (US 5,024,657). The new claims distinguish Needham at least because they relate to fluid circuits for blood treatment with a blood circuit portion connected to a connector that provides two lumens or opening into a sterile container or bag. Needham discloses a device that mixes a medicament with an infusate and provides no motivation for the identified structures. For example, only one lumen is connected in Needham to the filter and the other lumen is not connected or connectable to the filter.

Claims 1-2, 7, 9 and 13 were rejected under 35 USC 102 (b) over Leuders (US 4,439,179). The new claims distinguish Leuders at least because they relate to fluid circuits for blood treatment with a blood circuit portion connected or connectable via separate lumens to a container or fluid bag. Leuders discloses a device that transports dialysate from a bag into the peritoneum of a patient. There is no blood filter involved or a circuit with blood and non-blood sides. Leuders also does not provide any motivation for these features.

Claims 1-2, 5-9, 11, and 13 were rejected under 35 USC 102(b) over Utterberg (US 5,772,624). The new claims distinguish Utterberg at least in that they require a blood circuit

portion connected or connectable via separate lumens to a container or fluid bag. In Utterberg, the container connected by saline line 168 is only a single connection. The chambers 164 and 184 are legs of a blood circuit and do not have separate lumens opening into a single chamber. The dependent claims include further limitations that further distinguish Utterberg.

Claims 1-4, 6, 8-12 were rejected under 35 USC 102(e) over Brugger et al. (US 6,649,063). The reference owned by the owner of the present application as may be confirmed by the assignments on file at the PTO. Rule 132 affidavits are concurrently filed with this amendment averring that any inventions claimed in this application but disclosed in Brugger et al were derived from the inventors of the present application. Applicants propose that the reference is thereby removed as an anticipating reference under 102(e).

35 USC §103

Kitaevich (US 5,211,849) was relied upon for teaching hemofiltration and hemodiafiltration as applications with which the teachings of Utterberg may be combined. This reference is not relevant to the new claims or arguments in favor of patentability and does not show or teach the cited features discussed above.

If the Examiner requires clarification of any issues raised in this response, the Examiner is invited to call the undersigned at (202) 416-5818 [or cell: (202) 390-4992].

Respectfully submitted,

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